

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 394 OF 2016

Kuntibai W/o Shri Ramnath, Aged about 30 years, Caste Gond, R/o Rawa, Pondi Uprora (wrongly mention as Pondiup), P.S. Katghora, District Korba (CG)

---Applicant

Versus

The State of Chhattisgarh through Station House Officer of Police Station Khatghora, District Korba (CG)

---Non-applicant

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For-Non-applicant	:	Mr. Adi Raj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/02/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.194/2015, registered at Police Station-Katghora, District-Korba (C.G.), for the offence punishable under Section 302/34 of the IPC.

2. Case of the prosecution, in brief, is that, the applicant and co-accused assaulted deceased Ramu Yadav by hands and fists and also by wooden stick by which Ramu Yadav suffered injury in the vital parts of body and ultimately died on 17.8.2015.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that there is no evidence

against the present applicant and there is no seizure of stick from the present applicant. He would also submit that the applicant being a lady aged about 30 years is in jail since 19.8.2015 and has also received injuries and charge-sheet has already been filed and therefore, she may be enlarged on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that in dying declaration, deceased Ramu Yadav has clearly stated that the present applicant has also assaulted and made severe injuries to his abdomen including lungs by which he ultimately died on 17.8.2015.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; material collected by the prosecution and statement of deceased Ramu Yadav in the shape of dying declaration, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-